

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	2

MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred House Bill 1745, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, line 8, delete "IC 12-17.2-2.5-1" and insert "**IC**
- 2 **12-17.2-2.5-2**".
- 3 Page 2, between lines 22 and 23, begin a new paragraph and insert:
- 4 "SECTION 3. IC 12-7-2-111.5 IS ADDED TO THE INDIANA
- 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 1999]: **Sec. 111.5. "Imminent danger", for**
- 7 **purposes of IC 12-17.2 and IC 12-17.4, means a:**
- 8 **(1) condition;**
- 9 **(2) practice; or**
- 10 **(3) violation of:**
- 11 **(A) IC 12-17.2;**
- 12 **(B) IC 12-17.4; or**
- 13 **(C) a rule adopted under:**
- 14 **(i) IC 12-17.2; or**

1 (ii) IC 12-17.4;
 2 that could reasonably be expected to cause substantial physical
 3 harm to a child enrolled in a child care facility before the
 4 condition, practice, or violation is abated."

5 Page 2, delete lines 27 through 42, begin a new paragraph and
 6 insert:

7 "Sec. 1. This chapter does not apply to a facility that does not
 8 receive any state or federal funds, either:

- 9 (1) directly from the state or federal government; or
- 10 (2) by assignment from the:
 - 11 (A) parent;
 - 12 (B) guardian; or
 - 13 (C) custodian;

14 of a child who is cared for at the facility.

15 Sec. 2. As used in this chapter, "facility" means a:

- 16 (1) child care center;
- 17 (2) child care home; or
- 18 (3) child care ministry;

19 that is required to be licensed or registered under this article.

20 Sec. 3. (a) The division may issue an order for emergency
 21 closure of a facility that is or is required to be licensed if:

- 22 (1) the facility is operating:
 - 23 (A) without the required license; or
 - 24 (B) with a probationary license;
- 25 (2) the division determines that:
 - 26 (A) the facility is not in compliance with this article,
 - 27 including operating without the required license; and
 - 28 (B) there is reasonable cause to suspect that the health or
 - 29 safety of a child enrolled in the facility is in imminent
 - 30 danger; and
- 31 (3) a supervisor of the division has reviewed and concurred
- 32 with the inspector's determination that an order for
- 33 emergency closure of the facility should be issued.

34 (b) The division may issue an order for emergency closure of a
 35 facility that is or is required to be registered if:

- 36 (1) the facility is not in compliance with IC 12-17.2-6;
- 37 (2) the division has issued an order to the facility to correct
- 38 any noncompliance within ten (10) days of the date of the

- 1 order;
- 2 (3) the facility has failed to comply with an order issued under
- 3 subdivision (2);
- 4 (4) the division determines that there is reasonable cause to
- 5 suspect that the health or safety of a child enrolled in the
- 6 facility is in imminent danger; and
- 7 (5) a supervisor of the division has reviewed and concurred
- 8 with the inspector's determination that an order for
- 9 emergency closure of the facility should be issued.
- 10 (c) An order for emergency closure issued under this section
- 11 must include the following information:
- 12 (1) The date and time of emergency closure.
- 13 (2) Each reason for emergency closure.
- 14 (3) Any condition that the facility must remedy immediately.
- 15 (4) The right of the facility to request an administrative
- 16 hearing under section 9 of this chapter.
- 17 Sec. 4. An order for emergency closure issued under this
- 18 chapter takes effect immediately upon notice to the facility.
- 19 Sec. 5. A facility may not operate during the time that an order
- 20 for emergency closure is in effect.
- 21 Sec. 6. (a) The facility may request an informal meeting with the
- 22 division within five (5) days after the order for emergency closure
- 23 is issued.
- 24 (b) The division shall grant a request made under subsection (a).
- 25 Sec. 7. An order for emergency closure issued under this
- 26 chapter remains in effect until the earliest of the following:
- 27 (1) The facility takes the action required by the division to
- 28 address the reason for emergency closure.
- 29 (2) The division determines through an investigation that the
- 30 required reasonable cause no longer exists.
- 31 (3) Fourteen (14) days after the date of issuance of the order.
- 32 Sec. 8. After issuing an order for emergency closure of a facility
- 33 under this chapter, the division shall:
- 34 (1) require a plan of corrective action for emergency
- 35 protection of the children; and
- 36 (2) assist in obtaining appropriate child care for any child
- 37 who had been enrolled in the facility.
- 38 Sec. 9. (a) Subject to the requirements of this section, the

1 division shall provide an administrative hearing concerning the
2 issuance of an order for emergency closure.

3 (b) The facility must make a written request for an
4 administrative hearing under this section within ten (10) days after
5 the date the division issued the order for emergency closure. This
6 request must be made separately from a request for an informal
7 meeting under section 6 of this chapter.

8 (c) The division shall hold an administrative hearing within ten
9 (10) days after receiving a written request under subsection (b).

10 (d) The division shall issue a decision not more than ten (10)
11 days after the conclusion of the hearing."

12 Page 3, delete lines 1 through 38.

13 Page 6, line 35, strike "department of public welfare" and insert
14 "office of family and children".

15 Page 6, line 42, strike "department of public welfare" and insert
16 "office of family and children".

17 Page 7, delete lines 19 through 42, begin a new paragraph and
18 insert:

19 "Sec. 1. This chapter does not apply to a child caring institution
20 that does not receive any state or federal funds, either:

21 (1) directly from the state or federal government; or

22 (2) by assignment from the:

23 (A) parent;

24 (B) guardian; or

25 (C) custodian;

26 of a child who is residing in the child caring institution.

27 Sec. 2. (a) The division may issue an order for emergency
28 closure of a child caring institution if:

29 (1) the child caring institution is operating with a
30 probationary license;

31 (2) the division determines that:

32 (A) the child caring institution is not in compliance with
33 this article; and

34 (B) there is reasonable cause to suspect that the health or
35 safety of a child residing in the child caring institution is in
36 imminent danger; and

37 (3) a supervisor of the division has reviewed and concurred
38 with the inspector's determination that an order for

1 emergency closure of the child caring institution should be
2 issued.

3 (b) An order for emergency closure issued under this section
4 must include the following information:

5 (1) The date and time of emergency closure.

6 (2) Each reason for emergency closure.

7 (3) Any condition that the child caring institution must
8 remedy immediately.

9 (4) The right of the child caring institution to request an
10 administrative hearing under section 8 of this chapter.

11 Sec. 3. An order for emergency closure issued under this
12 chapter shall take effect immediately upon notice to the child
13 caring institution.

14 Sec. 4. A child caring institution may not operate during the
15 time that an order for emergency closure is in effect.

16 Sec. 5. (a) The child caring institution may request an informal
17 meeting with the division within five (5) days after the order for
18 emergency closure is issued.

19 (b) The division shall grant a request made under subsection (a).

20 Sec. 6. An order for emergency closure issued under this
21 chapter remains in effect until the earliest of the following:

22 (1) The child caring institution takes the action required by
23 the division to address the reason for emergency closure.

24 (2) The division determines through an investigation that the
25 required reasonable cause no longer exists.

26 (3) Fourteen (14) days after the date of issuance of the order.

27 Sec. 7. After issuing an order for emergency closure of a child
28 caring institution under this chapter, the division shall:

29 (1) require a plan of corrective action for emergency
30 protection of the children; and

31 (2) assist in obtaining appropriate child care for any child
32 who had been enrolled in the child caring institution.

33 Sec. 8. (a) Subject to the requirements of this section, the
34 division shall provide an administrative hearing concerning the
35 issuance of an order for emergency closure.

36 (b) The child caring institution must make a written request for
37 an administrative hearing under this section within ten (10) days
38 after the date the division issued the order for emergency closure.

1 **This request must be made separately from a request for an**
2 **informal meeting under section 5 of this chapter.**

3 (c) The division shall hold an administrative hearing within ten
4 (10) days after receiving a written request under subsection (b).

5 (d) The division shall issue a decision not more than ten (10)
6 days after the conclusion of the hearing."

7 Page 8, delete lines 1 through 28.

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1745 as introduced.)

and when so amended that said bill do pass.

Representative Summers